

## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary  
William R. Selbig, Regional Director

Northeast Region Headquarters  
1125 N. Military Ave., P.O. Box 10448  
Green Bay, Wisconsin 54307-0448  
Telephone 920-492-5800  
FAX 920-492-5913  
TDD 920-492-5912

September 10, 1999

Mr. Wayne Elmer  
Elmers' Realty, LLP  
W10655 Givens Rd.  
New London, WI. 54961

SUBJECT: Case Closure with Groundwater Use Restriction for former  
Mister Donut, 3011 Calumet Ave., Manitowoc WI.  
LUST ID # 03-36-01821

Dear Mr. Springer;

On August 24, 1999 the Northeast Region Closeout Committee completed a review of the above referenced contamination case. Based on the investigative and remedial documentation provided to the Department, it appears that the contamination at the above named site has been remediated to the extent practicable under current site conditions. The Committee has approved this case for closure pending the filing of a groundwater use restriction. The groundwater use restriction is required due to 1,2 dichloroethane at MW-4. Attached is an example of the model restriction.

Please complete the restriction and return a draft to this office for approval with a copy of the deed/legal description, survey map if available. Pending Department approval the restriction can be filed with the Manitowoc Register of Deeds. Only when the Department has received documentation that the restrictions have been filed with County Register of Deeds Office and the monitoring wells abandoned according to the requirements of NR 141 Wis. Adm. Code, will the Department consider the site closed.

Thank you for your cooperation in this matter. If you have any question please contact me at 920-492-5864.

Sincerely,

James R. Reyburn  
Project Manager  
Bureau of Remediation & Redevelopment

Cc: Mr. David Christainsen-Advent Environmental Services, Inc., PO Box 277, Mequon, WI. 53092

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636

## WARRANTY DEED

DOCUMENT NO.

VOL 1358 PAGE 636

ELMERS' REALTY, LLP, a Wisconsin Limited Liability Partnership (f/k/a Elmers' Realty), conveys and warrants to STEVEN R. SCHENIEN, the following described real estate in Manitowoc County, State of Wisconsin:

STATE OF WISCONSIN - MANITOWOC COUNTY  
PRESTON JONES, REGISTER OF DEEDS  
RECEIVED FOR RECORD

31 MAR 1999 11:24:57 AM

Lots Number One (1) and Two (2) in Industrial Addition in the City of Manitowoc, Wisconsin, according to the Recorded Plat thereof, except that portion described as follows:

All that part of Lots 1 and 2 of the Industrial Addition to the City of Manitowoc that is bounded on the north-west by the southeasterly line of U.S. Highway 151 as it now exists, and is bounded on the southeast by a line 42.5 feet southeasterly of and parallel with the right-of-way reference line of U.S. Highway 151, described as follows: Commencing at a point where the centerline of South 31st Street intersects the centerline of U.S. Highway 151, as they now exist: thence North 65° 31' East, 146.05 feet to the east line of said Lot 1, extended North. Being portion conveyed to State of Wisconsin for Highway Purposes by Quit Claim Deed recorded in the Office of the Office of the Register of Deeds for Manitowoc County, Wisconsin in Volume 379 of Records, page 304, #421734.

RETURN TO:

STEVEN R. SCHENIEN  
7631 POLIFKA Rd.  
WHITE LAKE WI 54247  
1000 + 467.70 c/l

Parcel Number: 370-000-021-3

Dated as of this 31st day of March, 1999

ELMERS' REALTY, LLP

TRANSFER  
\$ 467.70  
FEE

By: Wayne F. Elmer  
Wayne F. Elmer, Gen. Partner

By: Gary E. Elmer  
Gary E. Elmer, Gen. Partner

## Acknowledgement

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF )

Personally came before me this 31st day of March, 1999, the above named Wayne F. and Gary E. Elmer, to me known to be the persons who executed the foregoing instrument, and acknowledge the same.

Mark D. Balaban Mark D. Balaban  
Notary Public, State of Wisconsin  
My Commission Expires: 4-22-2001

DRAFTED BY ELMERS' REALTY LLP

844622

94

Document  
Number

## GROUNDWATER USE RESTRICTION

VOL 1394 PAGE 94

Declaration of Restriction

In Re: Lots Number One (1) and Two (2) in Industrial Addition in the City of Manitowoc, Wisconsin, according to the Recorded Plat thereof, except that portion described as follows:

All that part of Lots 1 and 2 of the Industrial Addition to the City of Manitowoc that is bounded on the northwest by the southeasterly line of U.S. Highway 151 as it now exists, and is bounded on the southeast by a line 42.5 feet southeasterly of and parallel with the right-of-way reference line of U.S. Highway 151, described as follows: Commencing at a point where the centerline of South 31st Street intersects the centerline of U.S. Highway 151, as they now exist: thence North 65° 31' East, 146.05 feet to the east line of said Lot 1, extended North. Being portion conveyed to State of Wisconsin for Highway Purposes by Quit Claim Deed recorded in the Office of the Register of Deeds for Manitowoc County, Wisconsin in Volume 379 of Records, page 304 No. 421734.

STATE OF WISCONSIN - MANITOWOC COUNTY  
PRESTON JONES, REGISTER OF DEEDS  
RECEIVED FOR RECORD

9/24/1999 12:34:18 PM

Recording Area

Return to:  
Advent Environmental Services, Inc.  
Attn: Chris Kern  
P.O. Box 277  
Mequon, WI 53092-0277

\$124.00

STATE OF WISCONSIN )  
 ) ss  
COUNTY OF MANITOWOC)

Key#: 370-000-021-3

Parcel Identification No. (PIN)

WHEREAS, Steven R. Schenian is the owner of the above-described property, commonly known as 3011 Calumet Avenue, Manitowoc, Wisconsin.

WHEREAS, a discharge of leaded gasoline has occurred at this property. Gasoline contaminated groundwater above the NR 140 enforcement standard (ES) exists on this property at the following location: In the southwest one-quarter of the southwest one-quarter of the property, west of the existing building, near the juncture of the southern and western property boundaries, near Monitoring Well No. 4 (MW-4) as identified in Figure 1, attached and hereby made a part of this document, the groundwater is contaminated with 1,2 dichloroethane above the NR 140 ES. The following number is the Wisconsin Department of Natural Resources case number associated with the leaded gasoline release at this site: WDNR LUST ID No. 36-1821.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct additional soil or groundwater remediation activities on the property at the present time.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied, and improved subject to the following limitation and restrictions:

Natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140 groundwater standards within the boundaries of this property. Construction of wells where the water quality exceeds the drinking water standards in ch. 809 is restricted by chs. NR 811 and NR 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply. Anyone who

proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater to determine what specific requirements are applicable prior to constructing or reconstructing a well on this property.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by, the Wisconsin Department of Natural Resources, its successors and assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that the restriction set forth in this covenant are no longer required. Upon receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this groundwater use restriction is no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 24<sup>th</sup> day of Sept., 1999.

Signature: [Signature]

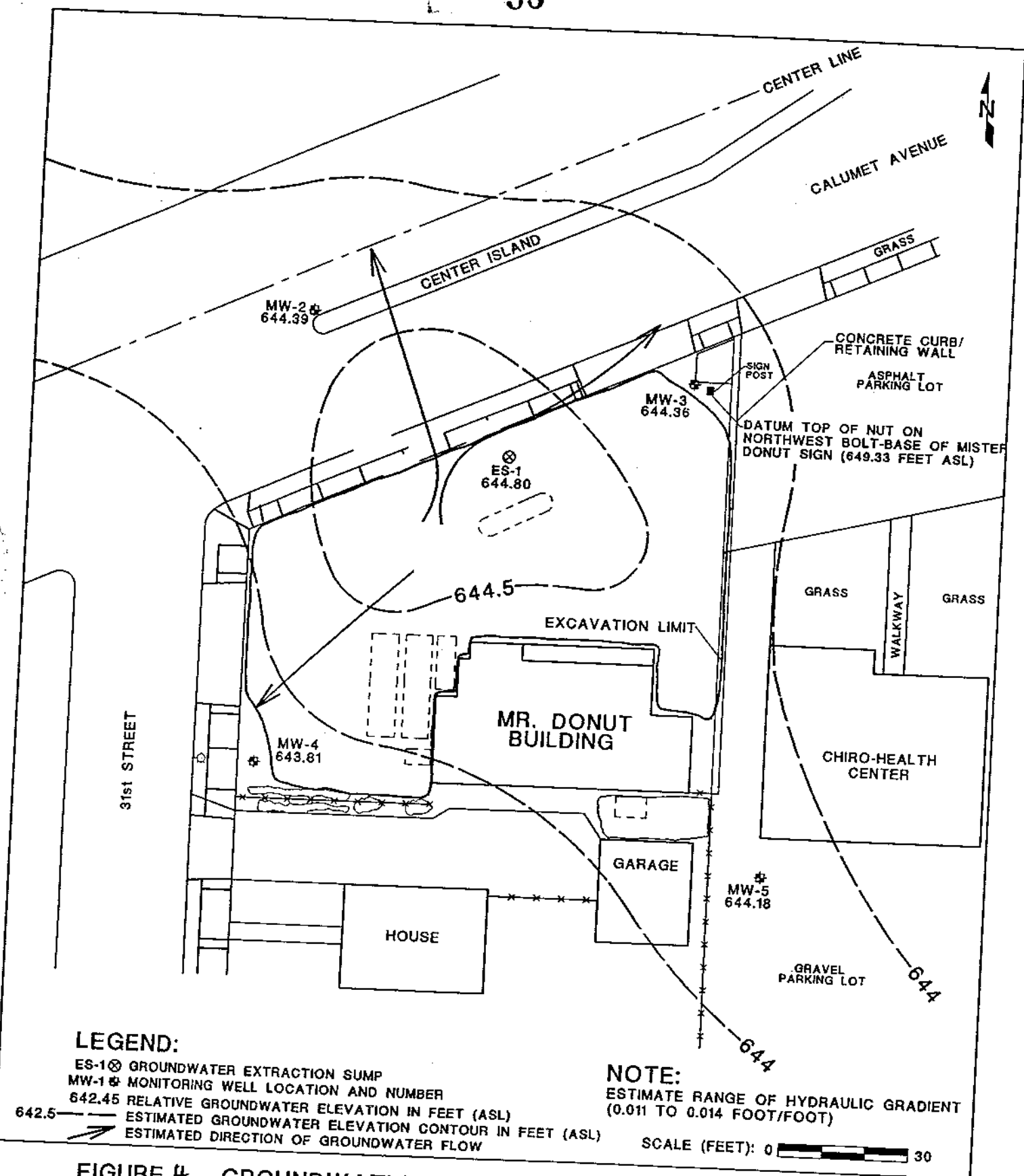
Printed Name: Steven R. Schenian

Subscribed and sworn to before me  
this 24<sup>th</sup> day of Sept., 1999.

[Signature]  
Notary Public, State of Wisconsin  
My commission 04/29/01

This document was drafted by the Wisconsin Department of Natural Resources, on May 12, 1999.





WATER SITE												
Sample			MW-3WI	MW-4W	MW-4WB	MW-4WC	MW-4WD	MW-4WE	MW-4WF	MW-4WG	MW-4WH	MW-4WI
Well	NR 140		MW-3	MW-4	MW-4	MW-4	MW-4	MW-4	MW-4	MW-4	MW-4	MW-4
Depth (feet)	Remedial		3-15'	4-19'	4-19'	4-19'	4-19'	4-19'	4-19'	4-19'	4-19'	4-19'
Date Sampled	Action Limits		1/25/99	1/24/95	9/17/96	12/11/96	3/12/97	6/18/97	9/11/97	12/11/97	3/11/98	3/16/99
PID (ppm)			0	0	0	0	---	---	---	---	---	---
ANALYTE	ES	PAL										
GROs (ppm)			<0.1	<0.05	---	---	---	---	---	---	---	---
DROs (ppm)			---	<0.1	---	---	---	---	---	---	---	---
Sulfate (mg/L)			---	---	---	---	57	---	65	44	---	---
Nitrate (mg/L)			---	---	---	---	0.099	---	0.44	0.13	---	---
Manganese (ug/L)			---	---	---	---	2.2	---	0.9	0.87	---	---
Iron (ug/L)			---	---	---	---	<24	---	<22	<22	---	---
Dissolved Oxygen (mg/L)			12	---	---	---	7.43	---	0.75	1.42	2.24	0.93
Total Lead (ppb)	15	1.5	<2	<2.0	---	---	---	---	---	---	---	---
VOCs (ppb) <sup>1</sup>												
Benzene	5	0.5	<1.26	<1.0	<0.5	<0.5	<0.4	<0.41	<0.41	<0.41	<0.27	<0.27
s-butylbenzene			<1	<1.0	<0.5	<0.5	<0.2	<0.23	<0.23	<0.23	<0.29	<0.29
n-butylbenzene			<1	<1.0	<0.5	<0.5	<0.3	<0.31	<0.31	<0.31	<0.29	<0.29
1,2-Dibromoethane			<1	<1.0	<0.5	<0.5	<0.2	<0.24	<0.24	<0.24	<0.39	<0.39
1,2-Dichloroethane	5	0.5	<1	<1.0	<0.5	<0.5	<0.2	<0.24	<0.24	<0.24	<0.39	<0.39
Ethylbenzene	700	140	<1.24	<1.0	<0.5	<0.5	<0.2	<0.23	<0.23	<0.23	<0.32	<0.32
Isopropylbenzene			<1	<1.0	<0.5	<0.5	<0.3	<0.27	<0.27	<0.27	<0.26	<0.26
p-isopropyltoluene			<1	<1.0	<0.5	<0.5	<0.2	<0.22	<0.22	<0.22	<0.24	<0.24
Methyl-tert-butyl-ether	60	12	<1.35	6.9	<5.0	<5.0	<0.5	<0.53	<0.53	<0.53	<0.32	<0.32
Naphthalene	40	8	<1	<1.0	<8.0	<8.0	<0.7	<0.66	<0.66	<0.66	<0.35	<0.35
n-propylbenzene			<1	<1.0	<0.5	<0.5	<0.3	<0.27	<0.27	<0.27	<0.76	<0.76
Toluene	343	68.6	<1.21	<1.0	<0.5	0.8	<0.3	<0.28	<0.28	<0.28	<0.27	<0.27
1,2,4-Trimethylbenzene	480	96	<1.36	<1.0	<1.0	<1.0	<0.3	<0.3	<0.48	<0.30	<0.22	<0.22
1,3,5-Trimethylbenzene			<1.14	<1.0	<1.0	<1.0	<0.3	<0.25	<0.32	<0.25	<0.27	<0.27
Total Xylenes	620	124	<1.7	<1.0	0.65	2.6	<0.8	<0.51	<0.51	<0.51	<0.43	<0.43
Total VOCs			34	24.9	18.65	3.4	10	12	14	13	11	7.7

<sup>1</sup> Only VOCs detected are listed. For a complete list, see the full report.

<sup>2</sup> Laboratory detection limits were increased due to the presence of the analyte. Shaded areas indicate concentrations above the detection limit.

> PAL

> ES